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C O N F I D E N T I A L SECTION 01 OF 04 OTTAWA 002407

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TAGS: [PHUM](#) [KCRM](#) [KWMN](#) [SMIG](#) [CA](#) [KS](#)
SUBJECT: CANADA'S MULTI-FACETED APPROACH TO COMBATING TIP

REF: A. (A) OTTAWA 00563
[1](#)B. (B) VANCOUVER 000800

Classified By: POLMINCOUNS Brian Flora, reasons 1.4 b and d

[1](#)1. (SBU) Summary: The Conservative government has recently taken several concrete steps to address the problem of human trafficking in Canada, making this effort a law enforcement priority and highlighting to the Canadian electorate its efforts as an illustration of government effectiveness. Led by Citizenship and Immigration Canada (CIC) Minister Monte Solberg and coordinated with the Departments of Justice and Public Safety, Canada issued guidelines in May that legalize the status of trafficking victims and offer avenues for victims' assistance. The guidelines directly address criticism highlighted in a March Canadian NGO report that the country is failing to adequately protect trafficking victims. Simultaneously, the RCMP implemented a anti-TIP law enforcement training program to sensitize officers about trafficking realities in Canada and to provide information about implementing the new guidelines. A Member of Parliament (MP) recently sponsored a Human Trafficking Forum to promote public awareness and focus media attention on the issue. Sources in the Canadian government expect that the tools, training and awareness will establish Canada as a country committed to fighting trafficking from both a humanitarian and a law enforcement perspective. There are many eyes, particularly in the civil society community, who are watching with cautious optimism. End Summary.

Canada Implements a Victims-Centered Policy

[1](#)2. (SBU) On May 11, the CIC minister issued interim guidelines for Canadian law enforcement and CIC officers that create a special temporary residency permit (TRP) for trafficking victims, based on immigration provisions contained in the 2002 Immigration and Refugee Protection Act (IRPA). The guidelines provide wide discretionary authority to local law enforcement, Royal Canadian Mounted Police (RCMP) and Canada Border Service Agency (CBSA) officials to provide legal status to possible trafficking victims. Officials may now grant a short-term TRP of up to 120 days to provide a "reflection period" for the victim and an investigative window for law enforcement to determine whether

there is enough evidence to pursue a trafficking case. They may also accord a longer-term TRP in cases where more complete verification of the facts substantiates an officer's determination that the individual is a trafficking victim. CIC officers, in consultation with law enforcement, determine during the initial short-term period whether a longer-term TRP of up to three years, is merited. A victim's ability to receive initial TRP status is not predicated on his/her cooperation with law enforcement. Receiving a TRP does not preclude a victim from accessing other immigration options, including applying for permanent resident status after three years, pursuing a refugee protection claim, petitioning for a stay of removal, or applying for humanitarian and stay of removal, or applying for humanitarian and compassionate consideration or a pre-removal risk assessment.

(NOTE: For more details about these options, see ref A. END NOTE). In addition to legal status under the TRP, the victim has access to federally-funded emergency medical services, including psychological and social counseling, for the period of the TRP. A Victim may also choose to return to his/her country of citizenship or legal permanent residence and consultations with the individual's embassy are encouraged.

13. (C) According to Senior Policy Advisor to Minister Solberg, Ben Perrin (PLEASE PROTECT), the government is working to strike a balance between a strictly humanitarian approach that opens doors to potentially fraudulent claims and a law enforcement-centered one that criminalizes a potential victim's illegal immigration status. (NOTE: Perrin is the former Executive Director of the NGO The Future Group that published a March 1 report giving Canada a failing grade in its efforts to comply with international obligations to protect trafficking victims. Shortly, thereafter, Minister Solberg brought Perrin into his office with the

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understanding that Perrin would be able to craft and promote the new government's prompt redress of a problem that had been insufficiently addressed by the former Liberal government. Perrin, who is leaving the Minister's office in August 2006 to clerk for a Supreme Court Justice, has been selected to participate in a June 2007 International Visitors' Program on combating trafficking. END NOTE). Perrin said that, after considering the U.S. 90-day model as well as those of several European countries and Australia, Minister Solberg proposed a 120 day period because it better reflects the more decentralized and thus slower Canadian system.

14. (C) Basing their figures on early U.S. experience, Perrin said that Canada anticipates granting approximately 10 - 14 TRPs to trafficking victims during the first year and that federal funds have been dedicated for the associated victims' support. In order to facilitate data collection, CIC has instituted a special code in their Field Operations Support System (FOSS) database for tracking recipients of trafficking TRPs. Perrin noted that, in an effort to monitor the implementation and effectiveness of the new guidelines, the Minister's office has requested that it be notified when a victim of trafficking in persons (VTIP) is offered a TRP. The "CIC Human Trafficking Interim Guidelines" are scheduled for review by years' end.

A Kinder, Gentler Approach to Victims' Assistance

15. (C) The new guidelines provide a framework for a consultative inter-agency process that solicits NGO cooperation to identify TIP victims and to tap civil society's social service network. Perrin said that his office has publicized the new guidelines directly to Canadian NGOs through a series of meetings and has encouraged them to bring self-identified trafficking victims to the attention of law enforcement and/or CIC to determine whether they are eligible

for the TRP. Conversations with Perrin reveal anxious anticipation on the Government's part to successfully apply the new guidelines for both political expediency and humanitarian reasons. Federal government interest in identifying a "test case" may help to explain a case that unfolded recently in British Columbia. Other relevant considerations include the constant and continuous cross-border intelligence cooperation between Canadian and U.S. Integrated Border Enforcement Teams (IBETs) and the RCMP's enhanced trafficking awareness training that sensitizes law enforcement to the possibility that a victim is being trafficked.

¶6. (C) On June 11, near Osoyoos, British Columbia, the RCMP discovered six South Korean women whom they identified as trafficking victims, along with several others who were hoping to be smuggled into the U.S. The women had arrived in Canada at the beginning of June under Canada's visa waiver program for South Korean citizens (Ref B). According to CIC and RCMP sources, law enforcement offered the women protection under the new guidelines but the women declined protection under the new guidelines but the women declined and returned to their country of origin. This was, however, the first instance of a trafficking victim being offered protection under the new guidelines. Perrin described CIC officials' mixed feelings about the offer's rejection. The fact that the women felt safe enough to return to Korea undercuts critics' claims that the new guidelines could easily be abused by illegitimate applicants and adds credibility to the government's argument that, at least in some cases, trafficking victims opt voluntarily to return to their countries of origin. On the other hand, the Government still lacks a credible example of the new guidelines at work. Conversations with RCMP officials responsible for human trafficking outreach and awareness reveal a new emphasis on and awareness of trafficking realities. One officer said "two years ago, the idea that any of these individuals might have been trafficked would never have crossed their (local law enforcement) minds." He suggested the possibility that law enforcement's enlightened yet zealous approach to identifying trafficking victims may result in law enforcement unintentionally pursuing cases which are ultimately

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determined to be smuggling, and not trafficking, cases.

RCMP Raises Awareness of Officers and the Public

¶7. (SBU) The RCMP has initiated a human trafficking awareness package with four components, some of which have already been implemented; others are set for an official launch in September. Building on an initiative from British Columbia RCMP's Human Trafficking Division, the RCMP has developed an English language training video for use both in-house and for public outreach. The video acknowledges that human trafficking is a problem in Canada, provides brief but realistic scenarios to show law enforcement what a trafficking victim might look like should s/he stumble upon a victim during a bust, and provides guidance on how to address a victim's needs. Versions of this video are already in use in various units across Canada despite a delay in the official launch until the French language version is ready in September. Secondly, the RCMP has developed pocket-sized cards for field officers to carry that not only enumerate several pertinent questions to help identify a trafficking victim but also give contact information for one of the six regional Human Trafficking Awareness Coordinators. The Human Trafficking Awareness Coordinator's role is to identify and direct field officers to specific local organizations that can provide victims' assistance. The RCMP is designing and will publish and distribute public awareness posters. Lastly, they are utilizing the "Human Trafficking: Reference Guide for Canadian Law Enforcement" pamphlet published in May 2005 by University College of the Fraser Valley Press in

their National Training Center in Regina, Alberta as well as at the local level.

Member of Parliament Smith Raises the Profile

18. (SBU) On June 10 in Winnipeg, Manitoba, MP Joy Smith sponsored "Stop the Slavery: A Forum on Human Trafficking" that attracted approximately 200 participants, including members of Canada's press. The Forum intended to raise both public and media awareness of the issue and included among the speakers: Canadian Ambassador to Ukraine Albina Dann, "The Natashas" author Victor Malarek and Senior Advisor on Trafficking in the State Department's Office for Democracy and Global Affairs Laura Lederer. Ms. Smith has been invited to speak at the Atlantic Region Human Trafficking Workshop entitled "Recognition and Rescue," sponsored by the Canadian Coast Guard College in Sydney, Nova Scotia between November 6 and 9.

What Lies Ahead?

19. (C) COMMENT: The new CIC guidelines coupled with the emerging RCMP human trafficking awareness campaign and continuing interest among Parliamentarians and federal level ministers like Solberg, Public Safety Minister Stockwell Day and Justice Minister Vic Toews will likely mean that human trafficking concerns will receive greater attention in Canada. Trafficking concerns will receive greater attention in Canada in the future. Addressing this issue fits comfortably within the government's crime tackling agenda, one of its "Big Five" priorities, and includes proposed legislative reforms that could improve Canada's ability, but not necessarily its will, to punish human traffickers. Anti-TIP advocates continue to await a verdict in Canada's first trial of an individual accused of violating IRPA's human trafficking provisions. The trial opened in a Vancouver court in March. While some members of the NGO community initially praised the new CIC guidelines, they remain skeptical about their implementation and the government's commitment to addressing victims' needs. Robin Pike, Manager of the Human Trafficking Protocols in the British Columbia Ministry of Public Safety and Solicitor General (MPSSG), pointed to the Osoyoos case as an example of the system failing. In her mind, the victims were "sent back" before any members of the NGO community had direct contact with them, in spite of the fact that the RCMP called

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her Ministry to obtain guidance on housing the women. By the time Ministry officials returned the call the next day, the women were gone. The government's 17-member Interdepartmental Working Group on Trafficking in Persons (IWG) held a session on June 23 at which representatives of the Canadian Council for Refugees and the MPSSG made presentations. According to Pike, while "suspicion continues, the channels of communication appear to be open." Time will tell whether Harper government's commitment to tackle Canada's trafficking problem will result in improved identification of victims, better access for victims to services, increased investigations, prosecutions and convictions of traffickers, and the imposition of effective penalties for convicted traffickers. END COMMENT

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